



JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 29, 2018

Hon. Lorena Gonzalez-Fletcher, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2354 (Rubio), as amended March 14, 2018 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – April 4, 2018

Dear Assembly Member Gonzalez-Fletcher:

AB 2354 would require the court to provide a court reporter at all hearings where testimony on issues of child custody or domestic violence is presented. AB 2354 would result in new unfunded costs to trial courts as it would require courts to hire additional court reporters in order to meet this new mandate.

Fiscal Impact

The use of court reporters in family law cases varies across the state. While this bill would require court reporters in specific situations during family law hearings, many courts have indicated that due to the nature of the cases brought before them, they would need to provide court reporters for all family law hearings. These courts note that child custody or domestic violence issues are frequently raised and discussed in all phases of many family law cases. The Resource Allocation Study indicates that a courtroom requires 1.25 FTE court reporter positions to support operationsⁱ. The Judicial Needs Assessment indicates that courts need a total of 325 judges in family law to handle current caseloads, which would require approximately 400 court reporters.ⁱⁱ Based on a survey of the courts, we estimate that there are about 200 FTE court reporter positions currently in family law court rooms. AB 2354 would require more than 200

Hon. Lorena Gonzalez-Fletcher

March 29, 2018

Page 2

additional court reporter positions with each position costing \$150,887, at a total ongoing cost of approximately \$31 million.ⁱⁱⁱ It is important to note, however, that even with increased funding to hire additional court reporters; it is unclear if there is an adequate supply of certified court reporters statewide to accommodate this demand.

Availability of Court Reporters

Information provided by the Court Reporters Board of California indicates there are approximately 5,900 certified court reporters currently licensed in California.^{iv} Approximately one-quarter of these individuals are trial court employees^v. We also note that licensed court reporters are unevenly distributed across the state, with almost one-third of counties having fewer than 10 court reporters registered in those counties^{vi}. Statewide, courts continue to struggle to recruit and retain court reporters due to declines in the labor pool of court reporters. On the national level, certified court reporting schools have seen declining enrollment and graduation rates have decreased by an average of 7.3% annually^{vii}. This trend has been reflected in California as currently there are only 10 recognized court reporter training schools in the state. In a 2013 study, the National Court Reporters Association (NCRA) estimated California would experience a 15% decline in the number of court reporters by 2018^{viii}. The Commission on the Future of California's Court System, citing the NCRA study, estimates that the state will experience a shortfall of over 2,300 court reporters this year^{ix}. Even if this rate of decline were reduced by half over the next 5 years, the state would still have a gap of approximately 2,750 court reporters by 2023 if forecasted demand remains constant. These trends indicate that even if the case types that require court reporters are expanded, the labor supply of court reporters is unlikely to be able to meet this need.

Please contact Mark Neuburger at 916-323-3121 or mark.neuburger@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

Mailed March 29, 2018

Cory T. Jasperson
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Assembly Appropriations Committee
Hon. Blanca Rubio, Author, Member of the Assembly
Ms. Jennifer Swenson, Consultant, Assembly Appropriations Committee
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy and Budget
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Rebecca Kirk, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

ⁱ Judicial Council of California, Resource Assessment Study, <http://www.courts.ca.gov/29305.htm>

ⁱⁱ Judicial Council of California, Judicial Needs Assessment, <http://www.courts.ca.gov/documents/jc-20161028-16-161.pdf>

ⁱⁱⁱ Judicial Council of California, Schedule 7A, which indicates there are currently 200.82 Full-Time Equivalent (FTE) court reporter positions current assigned to family law cases.

^{iv} Department of Consumer Affairs: Court Reporters Board of California. Retrieved from License Search Database, Database last updated 3/22/2018, Data Retrieved 3/23/2018.

[www2.dca.ca.gov/pls/wllpub/wllqryna\\$lcev2.startup?p_qte_code=CSR&p_qte_pgm_code=8100](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lcev2.startup?p_qte_code=CSR&p_qte_pgm_code=8100)

^v 2017-18 Court Salary and Position Worksheet, indicate 1,352 filled reporter FTE's. 1,352 FTE's/5,900 certified reporters=23% We note 1 FTE may consist of multiple individuals due to part-time, seasonal and other flexible employment situations offered by courts.

^{vi} Department of Consumer Affairs: Court Reporters Board of California. Retrieved from License Search Database, Database last updated 3/22/2018, Data Retrieved 3/23/2018.

[www2.dca.ca.gov/pls/wllpub/wllqryna\\$lcev2.startup?p_qte_code=CSR&p_qte_pgm_code=8100](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lcev2.startup?p_qte_code=CSR&p_qte_pgm_code=8100)

^{vii} National Court Reporters Association (NCRA), "Graduation Trends in NCRA-Certified Programs: 1996 to 2006," www.ncra.org/News/content.cfm?ItemNumber=10831 (as of Mar. 2017)

^{viii} Ducker Worldwide, *2013-2014 Court Reporting Industry Outlook Report* (Mar. 2014), www.crtakenote.com/about-court-reporting/2013-14_NCRA_%20Industry_Outlook.pdf

^{ix} Ducker Worldwide, *2013-2014 Court Reporting Industry Outlook Report* (Mar. 2014), www.crtakenote.com/about-court-reporting/2013-14_NCRA_%20Industry_Outlook.pdf